

AUG 09 2010

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

JULIA C. DUDLEY, CLERK  
BY: *J. C. Dudley*  
DEPUTY CLERK

**UNITED STATES OF AMERICA,**

)

)

) Case No. 7:05CR00045

)

**V.**

**) ORDER**

)

) By: James C. Turk

**KEITH L. HARPER.**

) Senior United States District Judge

)

The defendant in this closed case submits a letter that the court construes as a motion for reconsideration of a prior order denying his motion for reduction of sentence under the amendments to the crack cocaine sentencing guidelines in 2007 and 2008. He submits a court decision, recognizing that the sentencing court may consider whether the sentence calculated for a defendant under the prior crack cocaine sentencing guideline was appropriate for the defendant's crime. See United States v. Thomas, 276 Fed. App'x 338 (4th Cir. May 1, 2008). Upon review of the record, the court concludes that the motion must be denied.

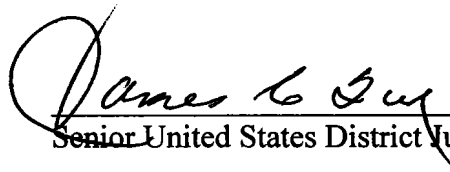
The defendant moved for a sentence reduction in April 2008, pursuant to 18 U.S.C. § 3582(c) and the crack cocaine guideline amendments. Because the defendant's sentence was calculated under the Career Offender guideline, United States Sentencing Manual (USSG) § 4B1.1, and not under the crack cocaine guideline, the court denied the motion for reduction by order dated April 29, 2008. For the same reason, the court must deny his current motion. Furthermore, although the court certainly commends the defendant's efforts at educating himself in preparation to be a productive

citizen upon his release, he cites no authority under which the court could revisit his sentence at this time or reduce it, based on his rehabilitation efforts.

For the stated reasons, it is **ORDERED** that the defendant's motion to reconsider (Dkt. No. 39) is **DENIED**.

The Clerk is directed to send a copy of this order to the defendant at his current place of confinement and to counsel of record for the government.

ENTER: This 9<sup>th</sup> day of August, 2010.

  
Senior United States District Judge